



A handwritten signature in black ink, appearing to read "Timothy W. Dore".

**Timothy W. Dore**  
**U.S. Bankruptcy Court**

(Dated as of Entered on Docket date above)

TIMOTHY W. DORE  
United States Bankruptcy Judge  
700 Stewart Street, Room 8106  
Seattle, WA 98101  
(206) 370-5300

**UNITED STATES BANKRUPTCY COURT**  
**WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In re:

MICHAEL KIDWELL,

Debtor.

Bankruptcy No. 18-12360-TWD

NANCY L JAMES, Trustee,

Plaintiff,

Adversary No. 20-01019-TWD

v.

**ORDER SETTING DEADLINES AND TRIAL  
DATE**

LSF9 MASTER PARTICIPATION TRUST, through  
US Bank Trust NA as Trustee, CALIBER HOME  
LOANS INC., a Delaware corporation, MORTGAGE  
MASTER SERVICE CORPORATION, a Washington  
corporation, and MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., an inactive  
Washington corporation,

Defendants.

1. Trial Setting. This adversary proceeding is set for a one day non-jury trial commencing at 9:30 a.m. on October 13, 2021 in the United States Bankruptcy Court, 700 Stewart Street, Courtroom 8106, Seattle, Washington. If a party anticipates that the trial will take longer, it must, within ten days of the date of this order, notify the Court and the other parties by letter electronically filed with the Court, of the anticipated length of trial.

1           2.       Compliance. Failure to comply with the procedures and deadlines set forth in this order  
2 may result in sanctions pursuant to Federal Rule of Civil Procedure 16(f)(1) without further notice.  
3 Sanctions for failure to comply with this order may be ordered without further notice and may include  
4 striking pleadings, dismissing this adversary proceeding with prejudice, and rendering a default  
5 judgment against the disobedient party.

6           3.       Disclosures. Disclosure material, except for the disclosure material required by Federal  
7 Rule of Civil Procedure 26(a)(3), shall not be filed with the Court except as exhibits or as evidence on a  
8 motion or at trial.

9               a.       Initial Disclosures. All parties shall make the initial disclosures required by  
10 Federal Rule of Civil Procedure 26(a)(1) and Federal Rule of Bankruptcy  
11 Procedure 7026 by May 26, 2021.

12              b.       Expert Disclosures. All parties shall make the expert disclosures required by  
13 Federal Rule of Civil Procedure 26(a)(2) and Federal Rule of Bankruptcy  
14 Procedure 7026 by July 6, 2021.

15              c.       Non-expert Disclosures. All parties shall make the disclosures required by  
16 Federal Rule of Civil Procedure 26(a)(3) and Federal Rule of Bankruptcy  
17 Procedure 7026 by September 13, 2021.

18           4.       Deadlines. The following deadlines will not be routinely extended absent a showing of  
19 diligent prosecution and compliance with this order. All requests for an extension must be made by  
20 motion, noticed to all parties, and set for hearing before the applicable deadline.

21               a.       Consent to Entry of Final Adjudication. Each party shall comply with the  
22 requirements of Federal Rules of Bankruptcy Procedure 7008 and 7012(b). Each  
23 party shall also comply with Local Bankruptcy Rule 7012-1 by filing a Notice  
24 Regarding Final Adjudication and Consent containing all of the information  
25 required by Local Bankruptcy Rule 7012-1(a) by May 19, 2021. As set forth in  
Local Bankruptcy Rule 7012-1(c), failure by a party to file a Notice Regarding  
Final Adjudication and Consent by May 19, 2021, shall constitute that party's  
consent to entry of final orders or judgments by the bankruptcy judge.

              b.       Mediation Certification. The parties shall file the Mediation Certification  
required by Local Bankruptcy Rule 9040-3 by June 2, 2021.

              c.       Amended Pleadings and Joinder. All amendments to the pleadings authorized by  
Federal Rule of Civil Procedure 15(a) and Federal Rule of Bankruptcy Procedure  
7015 and the joinder of any parties pursuant to Federal Rules of Civil Procedure  
19 and 20 and Federal Rules of Bankruptcy Procedure 7019 and 7020 must be  
completed by July 7, 2021.

              d.       Discovery. All discovery shall be completed by August 13, 2021.

- 1 e. Business Records. Any party intending to offer a record into evidence by  
2 declaration pursuant to Federal Rules of Evidence 902(11), 902(12), and 803(6)  
3 must provide written notice of that intention to all adverse parties, and must  
4 make the record and declaration available for inspection on or before August 13,  
5 2021.
- 6 f. Dispositive Motions. Dispositive motions must be filed and served such that the  
7 hearing is held by September 17, 2021.
- 8 g. Exhibits. All parties must exchange their proposed exhibits by September 29,  
9 2021.
- 10 h. Motions in Limine. Motions in limine must be filed by October 6, 2021.
- 11 i. Briefs. Trial briefs must be filed by October 6, 2021. Trial briefs shall include,  
12 as an attachment, proposed findings of fact and conclusions of law.
- 13 j. Pretrial Order. The parties shall comply with Local Bankruptcy Rule 7016-1(b)  
14 in the preparation and filing of a proposed pretrial order. The pretrial order must  
15 be filed by October 6, 2021. If the pretrial order is not timely filed, the trial may  
16 be stricken.
- 17 5. Exhibits.
- 18 a. Numbering and Format. A number sequence shall be used for all exhibits  
19 (including experts' declarations), with prefixes indicating the offering party,  
20 plaintiff or defendant (i.e., P1, P2, P3, etc; D1, D2, D3, etc.). Exhibits shall be  
21 pre-marked in accordance with this order. Any documentary exhibits which can  
22 reasonably be submitted on 8-1/2 by 11 inch paper shall be, with text on one side  
23 only.
- 24 b. Binders. Any party submitting exhibits shall submit the exhibits in 3-ring  
25 binders. The binders shall include an index of the exhibits and each exhibit shall  
be separated with an index tab marked with the identification as set forth in  
paragraph 5(a).
- 26 c. Submission of Exhibits to Court. Parties intending to offer exhibits shall deliver  
to the Court's chambers four sets of exhibits in 3-ring binders for use exclusively  
by the Court and the witnesses by October 8, 2021.
- 27 6. Settlement. The parties shall promptly notify the Court if the matter is settled.
- 28 7. Confirmation. The parties shall confirm that the trial is going forward by October 8,  
29 2021 using the E-Docket Confirmation Process and notifying any party not represented  
by a lawyer by mail, e-mail, or telephone. Failure to comply may result in the trial being  
stricken and this adversary proceeding dismissed with prejudice. Parties who are not

1 represented by a lawyer may confirm by contacting the Court's chambers at (206) 370-5301.

- 2 8. Continuances. An agreed continuance may be requested by filing a letter addressed to  
3 the judge. The letter should include a representation that the continuance is agreed and  
4 proposed revised deadlines. A contested request for continuance must be made by  
5 motion and noted for hearing at least one week prior to the date of the trial. Contested  
6 requests for a continuance are not routinely granted by the Court. Unless the trial has  
7 been continued by order of the Court, the parties will be expected to appear for trial as  
8 scheduled. The parties must contact Judge Dore's law clerk, Christopher Dale, at 206-370-5302, for available trial dates.
- 9 9. Pretrial Conference. If a party believes a pretrial conference would be beneficial, it may  
10 request one by filing a letter with the Court.

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**/// End of Order ///**